



City of NORFOLK

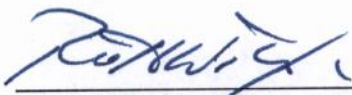
C: Dir., Public Works

To the Honorable Council
City of Norfolk, Virginia

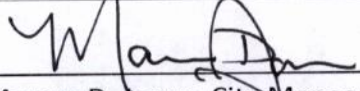
May 10, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way at 519 Front Street with an existing building, drain pipes and a concrete pad

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-16

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** 519 Front Street, LLC
515 Wilder Road
Virginia Beach, Virginia 23451

III. **Description:**
This agenda item is an ordinance permitting 519 Front Street, LLC to encroach into the right-of-way at 519 Front Street with an existing building, drain pipes and a concrete pad.

IV. **Analysis:**
The encroachment in this location will allow 519 Front Street, LLC to complete exterior improvements on a new renovation at 519 Front Street.

V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk (the "city") as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the city. The city did not charge a fee for this encroachment.

VI. **Environmental:**
There is no negative environmental impact associated with this action.

VII. **Community Outreach/Notification:**
Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.

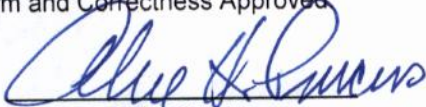
IX. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

Form and Correctness Approved:

By 
Office of the City Attorney


Contents Approved:

By 
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING 519 FRONT STREET, LLC TO ENCROACH INTO THE RIGHT-OF-WAY AT 519 FRONT STREET WITH THE EXISTING BUILDING, DRAIN PIPES AND A CONCRETE PAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to 519 Front Street, LLC ("519"), formerly known as Front Street Flats, LLC, to encroach into the right-of-way at 519 Front Street with the existing building, drain pipes and a concrete pad, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, 519, or their successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That 519, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or 519, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or

existence of said encroaching structures, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 519 Front Street.

Section 2:- That the failure of 519, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by 519, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

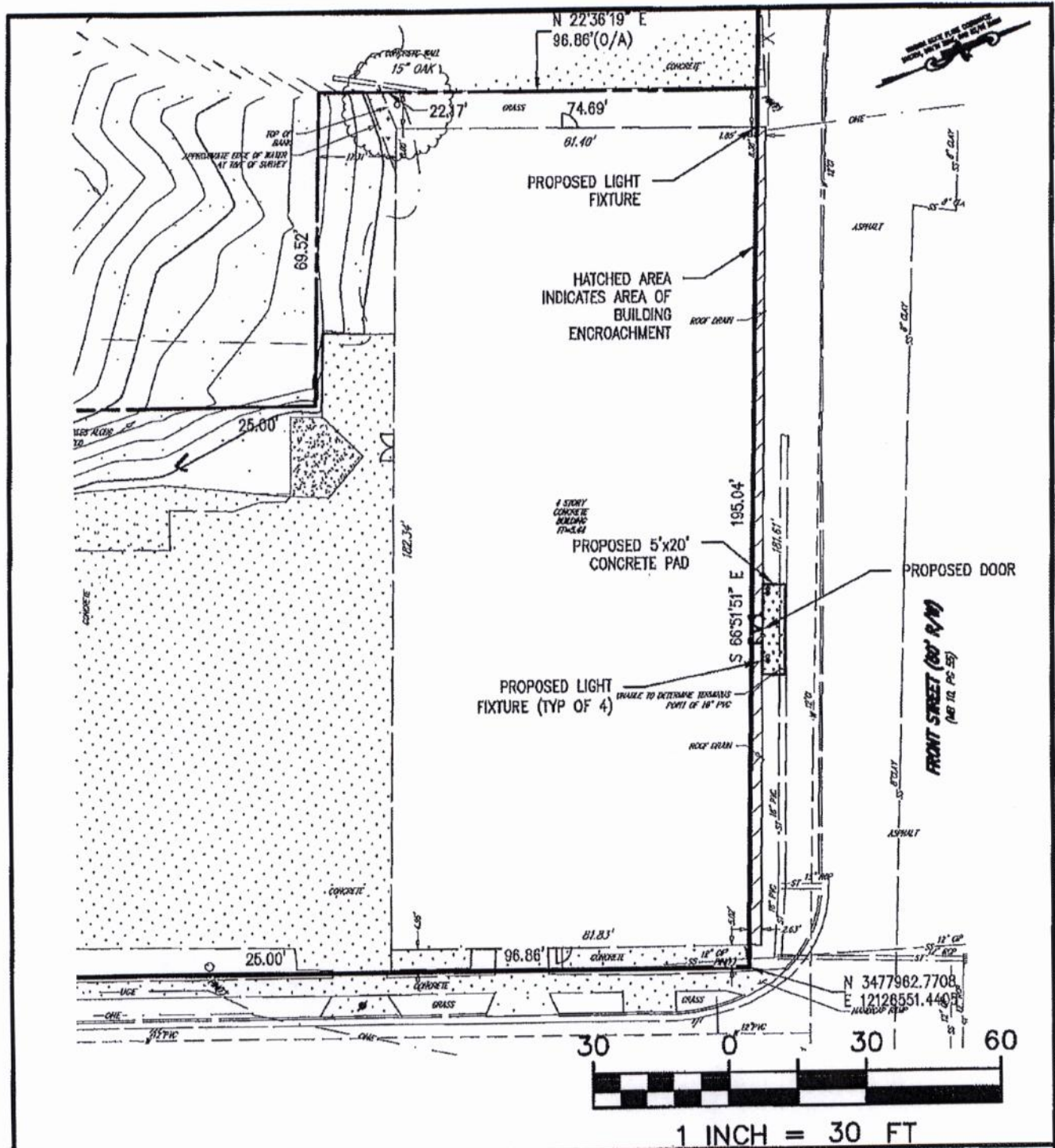


EXHIBIT 'A'
FOR
519 FRONT STREET
ENCROACHMENT APPLICATION

JANUARY 5, 2016



MSA, P.C.

Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture

5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Off) 757-490-0634 (Fax)
www.msaonline.com

PROJ. NO.: 14054

DATE: 1/5/16

SCALE: 1"=30'